

REMARKS/ARGUMENTS

In the Office Action mailed October 29, 2009, claim 23 has been allowed and claims 1, 3-16, and 19-25 stand rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. Without conceding the propriety of these rejections, claims 1, 16, 20, and 24 have been amended. Support for the amendments to claims 1, 16, and 20 is found at least at paragraphs 48-49 and figures 1, 9, and 10. Accordingly, no new matter has been entered and no estoppels intended thereby. The following remarks are believed to be fully responsive to the Office Action.

Initially, Applicants wish to thank the Examiner for the indication that claim 23 is allowable. Applicants believe that the amendments above render the remaining claims allowable as well. Accordingly, all the pending claims at issue are believed to be patentable over the cited references.

EXAMINER INTERVIEW

The Examiner is thanked for his assistance during a telephonic Examiner Interview with the Applicants' representative, Michael Graham, conducted on January 11, 2010. During the interview, amending the independent claims to include the intermediate elements and describing the intermediate elements in structural terms was discussed.

CLAIM REJECTIONS – 35 U.S.C. §102

Claims 1, 3-16, 19-22, 24 and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Bergholz (U.S. 4,479,621). The Applicants respectfully submit that the amendments made to claims 1, 16, 20, and 24 obviate this rejection and thus, respectfully request

reconsideration and withdrawal of the rejection to claims 1, 16, 20, and 24 and the claims that depend therefrom.

Bergholz is directed towards a passenger deck of an aircraft. *See Title, Abstract, FIG. 1. Claims and throughout the Specification.* Importantly, Bergholz discloses a lower cargo deck (See FIG. 1) and distinguishes the passenger deck therefrom. This is because the two decks serve different purposes and are subjected to different forces. The passenger deck is subjected to comparatively less weight (mass) because passenger typically weigh less than the cargo. This reduced mass subjects the passenger deck to comparatively less longitudinal forces during acceleration and deceleration of the aircraft. However, due to the location of the passenger deck at or near the widest point of the fuselage, the passenger deck must accommodate relatively large (as compared to the lower, cargo deck) changes in the diameter of the fuselage due to changes in temperature and pressure. Bergholz accommodates these changes in diameter via the use of pivoting connecting rods arrayed along each side of the passenger deck. During acceleration and deceleration, these connecting rods are subjected to compression and tension loads (respectively or vice versa). The connecting rods can be made relatively long and thin (which reduces forward and aft movement of the passenger deck as the connecting rods pivot) because the longitudinal forces are relatively weak in comparison to those experienced by the cargo deck. If employed on the cargo deck, these connecting rods would need to be relatively massive to prevent buckling or breakage. Furthermore, the gross changes in diameter experienced by the passenger deck are not experienced by the cargo deck and so, there is no need for pivoting connecting rods. One skilled in the art would understand this interplay of forces and, as such, one skilled in the art would not look to Bergholz to construct a cargo deck.

In contrast, each of claims 1, 16, and 20 recite a planar intermediate element having a long axis parallel to a long axis of the aircraft and claim 24 recites a planar member having a long axis parallel to the long axis of the aircraft. These intermediate elements directly transfer shear forces from the cargo deck module into the outer skin of the aircraft and the planar members directly transfer shear forces from outer ends of transverse support elements into the outer skin of the aircraft. Bergholz fails to disclose both the planar intermediate element and the planar member. As such, Bergholz fails to anticipate claim 1, 16, 20, and 24 and the claims that depend therefrom. Claims 3-15 depend from claim 1, claim 19 depends from claim 16. Claims 21 and 22 depend from claim 20. Claim 25 depends from claim 24. In light of the foregoing, withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1, 3-16, 19-22, 24 and 25 as being anticipated by Bergholz is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned at 202-861-1629 in an effort to resolve any matter still outstanding before issuing another action. The undersigned is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 59482.21840.

Respectfully submitted,
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